

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 643

Introduced by Kiel, 9

Read first time January 19, 1999

Committee: Transportation

A BILL

- 1 FOR AN ACT relating to motor vehicle registration; to amend section
- 2 60-320, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to repossession plates; to harmonize
- 4 provisions; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-320, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-320. (1)(a) Each licensed motor vehicle dealer or
4 trailer dealer as defined in section 60-1401.02 doing business in
5 this state, in lieu of the registering of each motor vehicle or
6 trailer which such dealer owns of a type otherwise required to be
7 registered, or any full-time or part-time employee or agent of such
8 dealer may, if the motor vehicle or trailer displays dealer number
9 plates:

10 (i) Operate or move the same upon the streets and
11 highways of this state solely for purposes of transporting,
12 testing, demonstrating, or use in the ordinary course and conduct
13 of his or her business as a motor vehicle or trailer dealer. Such
14 use may include personal or private use by the dealer and personal
15 or private use by any bona fide employee licensed pursuant to
16 Chapter 60, article 14, if the employee can be verified by payroll
17 records maintained at the dealership as ordinarily working more
18 than thirty hours per week or fifteen hundred hours per year at the
19 dealership;

20 (ii) Operate or move the same upon the streets and
21 highways of this state for transporting industrial equipment held
22 by the licensee for purposes of demonstration, sale, rental, or
23 delivery; or

24 (iii) Sell the same.

25 The dealer number plates provided for in subsection (3)
26 of this section shall be displayed in the manner provided in
27 section 60-323.

28 (b) Each licensed manufacturer as defined in section

1 60-1401.02 which actually manufactures or assembles motor vehicles,
2 motorcycles, or trailers within this state, in lieu of the
3 registering of each motor vehicle or trailer which such
4 manufacturer owns of a type otherwise required to be registered, or
5 any employee of such manufacturer may operate or move the same upon
6 the streets and highways of this state solely for purposes of
7 transporting, testing, demonstrating to prospective customers, or
8 use in the ordinary course and conduct of business as a motor
9 vehicle, motorcycle, or trailer manufacturer, upon the condition
10 that any such vehicle display thereon, in the manner prescribed in
11 section 60-323, dealer number plates as provided for in subsection
12 (3) of this section.

13 (c) In no event shall such plates be used on motor
14 vehicles or trailers hauling other than automotive or trailer
15 equipment, complete motor vehicles, semitrailers, or trailers which
16 are inventory of such licensed dealer or manufacturer unless there
17 is issued by the Department of Motor Vehicles a special permit
18 specifying the hauling of other products. This section shall not
19 be construed to allow a dealer to operate a motor vehicle or
20 trailer with dealer number plates for the delivery of parts
21 inventory. A dealer may use such motor vehicle or trailer to pick
22 up parts to be used for the motor vehicle or trailer inventory of
23 the dealer.

24 (2) Motor vehicles or trailers owned by such dealer and
25 bearing such dealer number plates may be driven upon the streets
26 and highways for demonstration purposes by any prospective buyer
27 thereof for a period of forty-eight hours. Motor vehicles or
28 trailers owned and held for sale by such dealer and bearing such

1 dealer number plates may be driven upon the streets and highways
2 for a period of forty-eight hours as service loaner vehicles by
3 customers having their vehicles repaired by the dealer. Upon
4 delivery of such motor vehicle or trailer to such prospective buyer
5 for demonstration purposes or to a service customer, the dealer
6 shall deliver to the prospective buyer or service customer a card
7 or certificate giving the name and address of the dealer, the name
8 and address of the prospective buyer or service customer, and the
9 date and hour of such delivery and the products to be hauled, if
10 any, under a special permit. The special permit and card or
11 certificate shall be in such form as shall be prescribed by the
12 department and shall be carried by such prospective buyer or
13 service customer while driving such motor vehicle or pulling such
14 trailer. The department shall make a charge of ten dollars for
15 each special permit issued under this section. A finance company
16 as defined in section 60-1401.02 which is licensed to do business
17 in this state may, in lieu of registering each motor vehicle or
18 trailer repossessed, upon the payment of a fee of ten dollars, make
19 an application to the department for a repossession certificate and
20 one repossession plate. Additional certificates and repossession
21 plates may be procured for a fee of ten dollars each. Such
22 repossession plates may be used only for moving motor vehicles or
23 trailers on the streets and highways for the ~~purpose of~~
24 repossession, demonstration, maintenance, storage, and disposal of
25 such motor vehicles or trailers repossessed. ~~Such repossession~~
26 Repossession plates shall be of the same size and material as the
27 normal motor vehicle license plates and shall be prefixed with a
28 large letter R and be serially numbered from 1 to distinguish them

1 from each other. ~~Such~~ Repossession plates shall be displayed only
2 on the rear of a repossessed motor vehicle or trailer. The
3 certificate shall be displayed on demand for any motor vehicle or
4 trailer being operated on a repossession plate. A finance company
5 shall be entitled to a dealer number plate only in the event such
6 company has qualified as a motor vehicle dealer under Chapter 60,
7 article 14.

8 (3)(a) Any licensed dealer or manufacturer described in
9 subsection (1) of this section may, upon payment of a fee of thirty
10 dollars, make an application, on a form approved by the Nebraska
11 Motor Vehicle Industry Licensing Board, to the county treasurer or
12 designated county official as provided in section 60-302 of the
13 county in which his or her place of business is located for a
14 certificate and one dealer number plate for the type of vehicle the
15 dealer has been authorized by the Nebraska Motor Vehicle Industry
16 Licensing Board to sell and demonstrate. One additional dealer
17 number plate may be procured for the type of vehicle the dealer has
18 sold during the last previous period of October 1 through September
19 30 for each twenty vehicles sold at retail during such period or
20 one additional dealer number plate for each thirty vehicles sold at
21 wholesale during such period, but not to exceed a total of five
22 additional dealer number plates in the case of vehicles sold at
23 wholesale, or, in the case of a manufacturer, for each ten vehicles
24 actually manufactured or assembled within the state within the last
25 previous period of October 1 through September 30 for a fee of
26 fifteen dollars each.

27 (b) Any licensed dealer or manufacturer described in
28 subsection (1) of this section may, upon payment of an annual fee

1 of two hundred fifty dollars, make an application, on a form
2 approved by the Nebraska Motor Vehicle Industry Licensing Board, to
3 the county treasurer of the county in which his or her place of
4 business is located for a certificate and one personal-use dealer
5 number plate for the type of vehicle the dealer has been authorized
6 by the Nebraska Motor Vehicle Industry Licensing Board to sell and
7 demonstrate. Additional personal-use dealer number plates may be
8 procured upon payment of an annual fee of two hundred fifty dollars
9 each, subject to the same limitations as provided in subdivision
10 (a) of this subsection as to the number of additional dealer number
11 plates. Beginning January 1, 1998, a personal-use dealer number
12 plate may be displayed on a passenger car as defined in section
13 60-301 or a truck having a gross weight including any load on the
14 truck of six thousand pounds or less belonging to the dealer, may
15 be used in the same manner as a dealer number plate, and may be
16 used for personal or private use of the dealer, the dealer's
17 immediate family, or any bona fide employee of the dealer licensed
18 pursuant to Chapter 60, article 14. Personal-use dealer number
19 plates shall have the same design and shall be displayed as
20 provided in sections 60-311 and 60-311.01.

21 (c) When an applicant applies for a license, the Nebraska
22 Motor Vehicle Industry Licensing Board may authorize the county
23 treasurer or designated county official to issue additional dealer
24 number plates when the dealer or manufacturer furnishes
25 satisfactory proof for a need of additional dealer number plates
26 because of special condition or hardship. In the case of
27 unauthorized use of dealer number plates by any licensed dealer,
28 the Nebraska Motor Vehicle Industry Licensing Board may hold a

1 hearing and after such hearing may determine that such dealer is
2 not qualified for continued usage of such dealer number plates for
3 a set period not to exceed one year. All additional dealer number
4 plates shall, in addition to all other numbers and letters required
5 by section 60-311.02, bear such mark or number as will distinguish
6 such plates one from another.

7 (d) Subject to all the provisions of law relating to
8 motor vehicles and trailers not inconsistent with this section, any
9 person, firm, or corporation holding a dealer's license issued
10 pursuant to the laws of this state who is regularly engaged within
11 this state in the business of buying and selling motor vehicles and
12 trailers, who regularly maintains within this state an established
13 place of business, and who desires to effect delivery of any motor
14 vehicle or trailer bought or sold by him or her from the point
15 where purchased or sold to points within or outside this state may,
16 solely for the purpose of such delivery by himself or herself,
17 agent, or bona fide purchaser, drive such motor vehicle or pull
18 such trailer on the highways of this state without charge or
19 registration of such vehicle or trailer. There shall be displayed
20 on the front and rear windows or the rear side windows of such
21 motor vehicle, except a motorcycle, and displayed on the front and
22 rear of each such trailer a decal on which shall be plainly printed
23 in black letters the words In Transit. One In Transit decal shall
24 be displayed on a motorcycle, which decal may be one-half the size
25 required for other motor vehicles. Such decals shall include a
26 registration number, which registration number shall be different
27 for each decal or pair of decals issued, and the form of such decal
28 and the numbering system shall be as prescribed by the Department

1 of Motor Vehicles. Each dealer issuing such decals shall keep a
2 record of the registration number of each decal or pair of decals
3 on the invoice of such sale. Such transit decal shall allow such
4 owner to operate the motor vehicle or pull such trailer for a
5 period of thirty days in order to effect proper registration of the
6 new or used motor vehicle or trailer. When any person, firm, or
7 corporation has had a motor vehicle or trailer previously
8 registered and license plates assigned to such person, firm, or
9 corporation, such owner may operate the motor vehicle or pull such
10 trailer for a period of thirty days in order to effect transfer of
11 plates to the new or used motor vehicle or trailer. Upon demand of
12 proper authorities, there shall be presented by the person in
13 charge of such motor vehicle or trailer, for examination, a duly
14 executed bill of sale therefor, a certificate of title, or other
15 satisfactory evidence of the right of possession by such person of
16 such motor vehicle or trailer.

17 (4) Any transporter doing business in this state may, in
18 lieu of registering each motor vehicle or trailer which such
19 transporter is transporting, upon payment of a fee of ten dollars,
20 make an application to the Department of Motor Vehicles for a
21 transporter's certificate and one transporter number plate.
22 Additional certificates and plates may be procured for a fee of ten
23 dollars each. Such transporter number plates may be the same size
24 as plates issued for motorcycles, shall bear thereon a mark to
25 distinguish them as transporter plates, and shall be serially
26 numbered so as to distinguish them from each other. Such plates
27 may only be displayed upon the front of a driven vehicle of a
28 lawful combination or upon the front of a motor vehicle driven

1 singly or upon the rear of a trailer being pulled. The certificate
2 shall be issued in duplicate. The original thereof shall be kept
3 on file by the transporter, and the duplicate shall be displayed
4 upon demand by the driver of any vehicle or trailer being
5 transported. A transporter plate or certificate may not be
6 displayed upon a work or service vehicle, except that when a
7 properly registered truck or tractor being a work or service
8 vehicle is in the process of towing or drawing a trailer or
9 semitrailer, including a cabin trailer, which itself is being
10 delivered by the transporter, then the registered truck or tractor
11 shall also display a transporter plate upon the front thereof. The
12 applicant for a transporter plate shall keep for three years a
13 record of each vehicle transported by him or her under this
14 section, and such record shall be available to the department for
15 inspection. Each applicant shall file proof of his or her status
16 as a bona fide transporter.

17 (5) Any boat dealer when transporting a boat which is
18 part of the inventory of the boat dealer on a trailer required to
19 be registered may annually, in lieu of registration of the trailer
20 and upon application to the Department of Motor Vehicles and
21 payment of a fee of ten dollars, obtain a certificate and a number
22 plate. The plate may be displayed on any trailer owned by the boat
23 dealer when the trailer is transporting such a boat. The number
24 plate shall be of a type designed by the department and so numbered
25 as to distinguish one plate from another.

26 For purposes of this subsection, boat dealer ~~shall mean~~
27 means a person engaged in the business of buying, selling, or
28 exchanging boats at retail who has a principal place of business

1 for such purposes in this state.

2 (6) It shall be the duty of all law enforcement officers
3 to arrest and prosecute all violators of the provisions of
4 subsection (1), (2), (3), (4), or (5) of this section and see that
5 they are properly prosecuted according to law. Any person, firm,
6 or corporation, including any motor vehicle, trailer, or boat
7 dealer or manufacturer, who fails to comply with such provisions
8 shall be deemed guilty of a Class V misdemeanor and, in addition
9 thereto, shall pay the county treasurer or designated county
10 official any and all motor vehicle taxes and fees imposed in
11 sections 60-3002 and 60-3007, registration fees, or certification
12 fees due had the motor vehicle or trailer been properly registered
13 or certified according to law.

14 When any motor vehicle or trailer dealer's or
15 manufacturer's license has been revoked or otherwise terminated, it
16 shall be the duty of such dealer or manufacturer to immediately
17 surrender to the Department of Motor Vehicles or to the Nebraska
18 Motor Vehicle Industry Licensing Board any dealer number plates
19 issued to him or her for the current year. Failure of such dealer
20 or manufacturer to immediately surrender such dealer number plates
21 to the department upon demand by the department shall be unlawful.

22 (7) Any motor vehicle or trailer owned by a dealer and
23 bearing other than dealer number plates as provided in this section
24 shall be conclusively presumed not to be a part of the dealer's
25 inventory and not for demonstration or sale and therefor not
26 eligible for any exemption from taxes or fees applicable to
27 vehicles with dealer number plates.

28 Sec. 2. Original section 60-320, Reissue Revised

LB 643

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1 Statutes of Nebraska, is repealed.